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Tuesday, July 8, 2025

Via Electronic Filing

Hon. Andrew E. Krause, U.S.M.J.
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: Application to modify deposition schedule
Case No.: 7:23-cv-04533
Project Veritas, et al. v. James O'Keefe, et al.

Dear Judge Krause:

I write on behalf of Counterclaimants James O'Keefe ("Mr. O'Keefe") and O'Keefe Media Group ("OMG", and collectively, "Counterclaimants"), to request that the Court modify the deposition schedule adopted by the Court on June 20, 2025 [ECF No. 177].

On June 10, 2025, the Court granted Counterclaimants leave to take the deposition of Hannah Giles ("Ms. Giles") [Minute Entry of June 10, 2025]. On the same day, my office began coordinating deposition dates for the remaining depositions in this case, including that of Ms. Giles. In response to our request to coordinate depositions, Mr. Harris, Project Veritas's counsel, stated, "I am available the week of July 14-18, July 28-August 1, and August 4-8." My office then scheduled six (6) depositions in this case during Mr. Harris' availability, including the deposition of Hannah Giles on July 31, 2025.

On June 13, 2025, we provided Notice of the Subpoena setting Hannah Giles' deposition on July 31, 2025, and expedited service of the deposition Subpoena. On June 15, 2025, the process server informed us that Hannah Giles was not located at her last known address in Texas. Through a background search, we then located Ms. Giles in Miami, coordinated a new location for her deposition, served an Amended Subpoena on Mr. Harris

(as to the deposition location), and effected service of the deposition Subpoena on June 23, 2025. The first time I communicated with Ms. Giles was on June 24, 2025, when she called our office seeking to reschedule her deposition due to a conflict on July 31, 2025. See Declaration attached as **Exhibit A**.

During a brief phone conversation, Ms. Giles agreed to reschedule her deposition to July 18, 2025. That same day, my office emailed Mr. Harris requesting his consent to reschedule Mr. Giles' deposition to July 18th, a date Mr. Harris had previously indicated he was available to conduct depositions in this case. Mr. Harris did not respond to the email correspondence.

Eight (8) days later, on July 2, 2025, due to the lack of response by Mr. Harris regarding the rescheduling of Ms. Giles' deposition, I followed up with Mr. Harris. Mr. Harris indicated he was no longer available on July 18, 2025, but he offered August 6, 2025, and August 8, 2025, as viable alternative dates. Following my email correspondence with Mr. Harris, I spoke with Ms. Giles again by phone on July 2, 2025, and she agreed to reschedule her deposition for August 8, 2025, one of the dates offered by Mr. Harris just minutes earlier. Upon informing Mr. Harris of Ms. Giles' agreement, Mr. Harris refused to consent to the schedule adjustment. So as not to mischaracterize Mr. Harris's response to my email on July 2, 2025, please see the email thread attached as Exhibit 3 to the Declaration (**Exhibit A**).

Counterclaimants expeditiously scheduled the deposition of Ms. Giles in coordination with Project Veritas's counsel. After serving Ms. Giles with a Subpoena for deposition, our office promptly communicated Ms. Giles' need to reschedule her deposition date. As counsel for Mr. O'Keefe, we have made good faith efforts to accommodate the schedules of both Ms. Giles and Project Veritas's counsel to reschedule Ms. Giles' deposition ahead of the current August 15, 2025 deadline. Project Veritas's counsel has acted in bad faith, refusing to consent to an adjustment of the deposition schedule to allow for Ms. Giles' deposition on a date he offered. Mr. Harris's attempt to leverage the language in the Court's Order adopting the parties' proposed deposition schedule [ECF No. 177; "If the application is not submitted on consent, ... the application is likely to be denied."] should not be rewarded.

Should the Court not grant this application, Counterclaimants would be prejudiced by being prevented from discovering information from Ms. Giles, the successor CEO of Project Veritas following Mr. O'Keefe's termination. Counterclaimants apply to the Court to reschedule the deposition of Ms. Giles to August 8, 2025, to accommodate the schedules of both Ms. Giles and Mr. Harris. This application is not made for any improper purpose or

delay. Counterclaimants request that the Court grant this application to reschedule Ms. Giles' deposition to August 8, 2025.

Respectfully,

A handwritten signature in black ink, appearing to read "Nick Whitney", with a stylized flourish at the end.

Nick Whitney, Esq.

cc: all counsel of record via CM/ECF